

REMARKS

Claims 1 – 10 are pending in the application. In the present Response, Applicants amend the title of the invention and claims 1 - 10. No new matter has been added.

OBJECTION TO TITLE OF THE INVENTION

The title of the invention is objected to as being insufficiently descriptive. Applicants amend the title to read "Method And Apparatus For Progressively Obtaining Hardware Resources By Resource Obtaining Request". Accordingly, Applicants respectfully request that the objection be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 – 10 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Applicants thank the Examiner for identifying specific issues relating to definiteness, amend claims 1 – 10 to address the identified issues, and respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn..

REJECTION UNDER 35 U.S.C. § 103

Claims 1 - 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,760,303 to Brouwer. Applicants amend claims 1 – 10 to further clarify the nature of their invention, and respectfully traverse this rejection.

In amended independent claim 1, for example, Applicants disclose:

1. A method for obtaining hardware resources, said method comprising the steps of:

obtaining additional hardware resources from available resources which have not been obtained in a system, for a resource usage of a hardware resource obtaining request, when each use rate of obtained hardware resources exceeds a predetermined threshold in that the obtained hardware resources, in that the obtained hardware resources have been obtained and resource usage of each of the obtained hardware resources is identical with a resource usage of the hardware resource obtaining request.

Brouwer discloses a system and method for controlling switching between different types of channels in a cellular communication system (see, e.g., abstract of Brouwer). Channel switching may occur, for example, when it is determined that a transmit buffer threshold has been exceeded (see, e.g., column 6, lines 48 – 51 and column 7, lines 49 – 52 of Brouwer).

In sharp contrast to the method of Brouwer, Applicants' claimed method addresses the assignment of a hardware resource based on a hardware resource obtaining request, which only assigns a new resource for the current resource request and additional resource requests of the same usage type when a resource occupancy of currently assigned ("obtained") resources exceeds a predetermined threshold (see, e.g., page 7, line 18 – page 11, line 35 of Applicants' specification). As claimed for example in Applicants' amended independent claim 7, rather than assigning new resources, additional unused portions of obtained resources continue to be used to satisfy new hardware resource obtaining requests of the same usage type until the time that the predetermined threshold has been exceeded.

In sharp contrast to these features claimed by Applicants, Brouwer teaches a resource assignment method that completely changes communications channels once it is determined that an amount of information in a transmit buffer for a currently assigned channel exceeds a threshold.

Accordingly, and for at least these reasons, Applicant respectfully submits that amended independent claims 1, 2, 7 and 10 are not made obvious by the Brouwer, and are in condition for allowance. As each of dependent claims 3 – 6, 8 and 9 depends from one of allowable

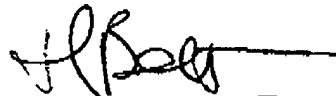
independent claims 2 and 7, Applicant further submits that dependent claims 3 – 6, 8 and 9 are allowable for at least this reason.

CONCLUSION

In view of the amendments and set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Thomas F. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

KATTEN MUCHIN ZAVIS ROSENMAN

575 Madison Avenue
New York, NY 10022-2585
(212) 940-8729
Docket No.: FUJI 18.898 (100794-00072)
TJB:fd